

UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:

DAVID WHITAKER

Respondent

HUDALJ 91-1684-DB

**DECISION AND ORDER**

By Order dated June 20, 1991, Respondent was directed to file an Answer to the Department's Complaint no later than August 5, 1991. No Answer or other responsive pleading to the Government's Complaint had been filed by August 21, 1991, when Respondent was directed to show cause by September 3, 1991, why his request for hearing should not be dismissed for failure to prosecute his case and why a summary decision for the Government should not be issued. Despite a warning in the August 21, 1991, Order that failure to respond to the Order would constitute consent to the issuance of such a decision, Respondent has failed to respond. Accordingly, pursuant to 24 C.F.R. §26.11 and §26.13, Respondent has admitted the allegations contained in the Government's Complaint. The record therefore shows that the facts and the law support the Limited Denial of Participation against the Respondent and his affiliate, Mortgage One Corporation of Indiana, issued by the Department on July 5, 1990, as well as the suspension and proposed indefinite debarment of Respondent and his affiliate by the Department on March 28, 1991.

**ORDER**

Respondent's request for hearing is dismissed.

Respondent and his affiliate, Mortgage One Corporation of Indiana, are debarred indefinitely from further participation in primary and lower-tier covered transactions (see 24 C.F.R. §24.110(a)) as participants or principals at HUD and throughout the Executive Branch of the Federal Government and from participating in procurement contracts with HUD.

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THOMAS C. HEINZ  
Administrative Law Judge

Dated: September 11, 1991

### **CERTIFICATE OF SERVICE**

I hereby certify that copies of this DECISION AND ORDER issued by THOMAS C. HEINZ, Administrative Law Judge, HUDALJ 91-1684-DB, were sent to the following parties on this 11st day of September, 1991, in the manner indicated:

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Chief Docket Clerk

### **REGULAR MAIL:**

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